



Minutes

Special Town Board Meeting
Town of Polk Town Hall * 3680 State Hwy 60
Tuesday - May 19, 2015 at 8:00 a.m.

1. **The meeting was called to order** at 8:00 a.m., followed by the Pledge of Allegiance.
2. **Roll Call:** Supervisor Robert Roecker and Supervisor Ted Merten, Chairman Albert Schulteis, Clerk Marlyss K Thiel, and Treasurer Tracy Groth were present.
3. **Notice** was given to the West Bend Daily News, Hartford Times Press, Milwaukee Journal Sentinel, WBKV/WTKM radio stations and posted at Cedar Lake Hills Subdivision, Roskopf's RV Center, and the Town Hall.
4. **ITEX Company Documents** were reviewed and edited by the Town's Attorney and Town Staff. ITEX principals and attorney reviewed and edited them also. The state will still need to approve the documents. Supervisor Roecker moved to approve the Conditional Use Permit and Tax Agreement documents as submitted. Supervisor Merten seconded the motion. All voted aye. Motion carried.
5. **Commissioner of Railroads – Final Decision on the Petition of Wisconsin & Southern Railroad LLC and Wisconsin Central Ltd for the Closure of Public Crossings at Fond du Lac Drive in the Town of Polk.** In the final decision made by the Commissioner of Railroads, he declared that the "closing of the crossing would not improve public safety or convenience. None of the three alternate routes are reasonably adequate. Alternates 2 and 3 add too much travel time...The closure would negatively impact the delivery of emergency medical and fire services. The closure would also harm property values near the crossing and limit future land use possibilities. In the Commissioner's Conclusion of Law orders (summary) (Complete copy of the decision can be viewed at the Town of Polk Office.):
 - A. The petition of WI Central LTD and WI Southern Railroad LLC for the closure of Fond du Lac Drive at its crossing is denied.
 - B. The Town of Polk shall install and maintain either non-traversable curb islands equipped with reboundable, reflectorized vertical panels or transversable raised curb systems equipped with reboundable, reflectorized vertical panels on each approach to the crossing of Fond

du Lac Drive with the WI Central LTD and WI Southern Railroad LLC tracks in the Town of Polk by October 1, 2015.

- C. The Town of Polk shall bear the cost to install and maintain the channelization devices required.
- D. The Town of Polk or its contractor shall obtain right of entry permits from each railroad prior to the installation of the channelization devices. The railroads shall provide these permits at no cost to the Town.
- E. The Town of Polk or its contractor shall request flagging services from each railroad at least ten days prior to the start of installation. The railroads shall each provide flagging services for three days at no cost to the Town or its contractor. The Town of Polk or its contractor shall be responsible for the cost of flagging in excess of three days by either railroad.
- F. The Town of Polk or its contractor shall obtain Railroad Protective Liability Insurance coverage that meets the standard requirements of each railroad required to work within the railroad's right-of-way. The railroads shall pay for or reimburse the Town of Polk or its contractor for the cost of such insurance.
- G. Any cost apportionment set forth in this order, the WI Central LTD shall bear any cost assessed to the railroad for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly. Dated May 11, 2015, Jeffrey T Plale, Commissioner of Railroads.

Supervisor Merten moved to accept the decision of the Commissioner of Railroads and not to submit a challenge. Supervisor Roecker seconded the motion. All voted aye. Motion carried.

6. Adjourn. The meeting was adjourned at 8:10 a.m.

Respectfully Submitted,

Marlyss K. Thiel, Town Clerk